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Docket No. 784

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Y. Tom Tang et al.
Serial No: 09/488,725
Filed: January 21, 2000
For: NOVEL CONTIGS
OBTAINED FROM
VARIOUS LIBRARIES

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage as first class mail in an envelope addressed to Mail Stop SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: June 6, 2003

Type or Print Name of Person Mailing: Donna B. Rose

Donna B. Rose
Signature of Person Mailing

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Mail Stop SEQUENCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the "Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" mailed on 11/21/2002. Applicants submit that said Notice to Comply was issued by the USPTO in error for the following reasons.

The Notice to Comply, which states that a "Sequence Listing had been submitted, but that the Sequence Listing does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823" (Exhibit A), was accompanied by two sequence listing error reports. The first error report (Exhibit B) pertains to U.S. Patent Application Serial No. 09/488,725A, entitled "Novel Nucleic Acids and Polypeptides", filed on 12/22/2000, and the second error report (Exhibit C) shows errors pertaining to U.S. Patent Application Serial No. 09/649,162, entitled "Novel Nucleic Acid Molecules and Uses Therefor", which was filed on 8/28/2000. However, neither of the sequence listing error reports are relevant to the present application because neither report pertain to the sequence listing that was filed with Applicants' present application, U.S. Patent Application Serial No. 09/488,725 entitled "Novel Contigs Obtained from Various Libraries", filed on 01/21/00. Please see the copy of the Filing

Receipt (Exhibit D). The filing receipt also shows that the Applicants' names and the Domestic Priority Data are different from those given in the Notice to Comply and error reports mailed on 11/21/02.

In addition to the abovementioned Exhibits, Applicants also include a copy of the Sequence Listing that pertains to the present application (Exhibit E), and which reflects the changes made to the Sequence Listing that was originally filed with the application in response to a Notice to Comply mailed 8/27/2001 (Exhibit F), and to an error report issued on 10/12/01 (Exhibit G).

Therefore, Applicants have already complied with the requirements pertaining to Sequence Listings, and submit that the Notice to Comply mailed on 11/21/2002 does not pertain to the present application.

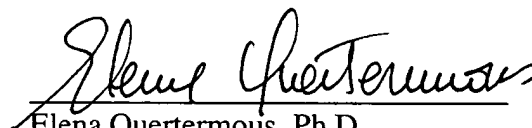
Applicants believe that the Notice to Comply mailed 11/21/2002 was issued in error by the USPTO, and Applicants should not be debited for the fees that are required to obtain a five month extension of time for submitting a response to said incorrect Notice to Comply.

If there are any questions regarding this response, the OIPE is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: June 6, 2003

By:



Elena Quertermous, Ph.D.

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